REMARKS

Claims 1-9 are pending in this application. All claims have been rejected.

Claims 1-2, 4-6, and 9 have been rejected under 35 U.S.C. §102(a) as being anticipated by an International Patent Application No. WO 99/04521 (Agarwal). Claims 1, 4-5, and 9 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,353,907 (Van Nobelen). Claims 1-9 have been rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,542,490 (Ahmadvand) in view of U.S. Patent No. 5,805,822 (Long) and in view of U.S. Patent No. 6,226,301 (Cheng). Claims 3 and 7-8 have been rejected under 35 U.S.C. §103(a) as unpatentable over Agarwal in view of U.S. Patent No. 5,546,549 (Barrett). Claims 2-3 and 6-8 have been rejected under 35 U.S.C. §103(a) as unpatentable over Van Nobelen in view of Barrett.

Agarwal describes a method for the adaptive control of a forward error correction code for transmission between a terrestrial cell/packet switch at a first terminal and a satellite/wireless network connecting to a second terminal. In the Examiner referenced section on page 26, lines 8-23, the Agarwal specification discloses on page 26, line 10 variable length packets, and not a frame having a variable data length, as recited in Claim 1 of the inventive application. Moreover, Agarwal teaches away from the present invention in view of Figure 7b and in view of the statement on page 26, lines 15-16 stating that the packet is segmented into 51 byte (a fixed number) data segments.

In contrast, Claim 1 recites a data stream being segmented into a plurality of consecutive blocks having a variable data length. Furthermore, Agarwal does not disclose each consecutive block being segmented into a plurality of sub-consecutive blocks having a byte length recited in Claim 1.

Van Nobelen describes a method and apparatus for sending blocks of data without any error correcting coding. The Examiner referred to column 4, lines 28-53, which describes the Van Nobelen method as the first network device generating and encoding a block of bits; generating error correcting bits for the block and allocating and interleaving bits; and sending the encoded block. The sending is performed by forming a current data sub-block into a data packet

data unit.

This recitation, however, does not teach or describe "at least one consecutive frame having a variable data length, the data stream being segmented into a plurality of consecutive blocks having a variable data length" recited in Claim 1 or "the data stream being segmented into a plurality of consecutive blocks, each of said blocks being segmented again into a plurality of sub-consecutive blocks having a byte length" recited in Claim 5 of the present invention.

Ahmadvand describes a method and apparatus for sending blocks of data without any error correcting coding. Ahmadvand in column 7, lines 45 to 51 states:

> "SAR module 72 or 72' chops the augmented IP packet 46 to smaller size packets, which are more suitable for error recovery and retransmission. These smaller size packets are defined as "sequence frames", denoted with 74, 74', on FIG. 4. The size of a sequence frame is variable and dynamically optimized for different QoS data planes based on the QoS requirements and the radio link conditions."

Chopping packets into smaller size packets, called "sequence frames" (non-standard terminology) does not teach or describe the "at least one consecutive frame having a variable data length, the data stream being segmented into a plurality of consecutive blocks having a variable data length" recited in Claim 1 or "the data stream being segmented into a plurality of consecutive blocks, each of said blocks being segmented again into a plurality of sub-consecutive blocks having a byte length" recited in Claim 5 of the present invention.

The Examiner references Long and Cheng as teaching sub-segmentation and use of radio link protocol (RLP) recited in Claims 1 and 5. However, without conceding such teaching attributed to Long and Cheng, neither Ahmadvand, Long, Cheng, nor any combination thereof teach or describe "the data stream being segmented into a plurality of consecutive blocks having a variable data length" recited in Claims 1 and 5 of the present invention.

Independent Claims 1 and 5 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-4 and 6-9, these are likewise believed to overcome the rejections under 35 U.S.C. §102(a), §102(e) and §103(a) and are allowable by virtue of their dependence on their respective independent claims.

Accordingly, all of the claims pending in the Application, namely, Claims 1-9, are believed to be in condition for allowance, therefore reconsideration and withdrawal of the rejections is respectfully requested. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

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